

**DECISION**

**THE COMPTROLLER GENERAL  
OF THE UNITED STATES**  
WASHINGTON, D.C. 20548

**FILE:**B-209692

**DATE:** April 7, 1983

**MATTER OF:** Custom Metal Fabrication, Inc.

**DIGEST:**

Twelfth low bidder--claiming that it erroneously included its line item price for fueling hose in the line item price for the fueling hose reel on which the hose is to be installed--may not be permitted to correct bid and displace 11 lower bidders, since the intended bid is not apparent from the bid, the invitation, or the other bids.

Custom Metal Fabrication, Inc. (CMF), protests the proposed award of a contract to any other firm under invitation for bids (IFB) N62472-82-B-1662, issued by the Naval Facilities Engineering Command (Navy) Contracts, Davisville, Rhode Island, for fueling hose reels and rubber hose.

We deny the protest.

The pertinent line item unit prices of the CMF bid are as follows:

<u>*Item No.</u>	<u>Supplies/Services</u>	<u>Quantity</u>	<u>Unit</u>	<u>Unit</u>
<u>Price</u>				
0001	Reel, fueling hose, * * *			
0001AA	Reel, fueling hose, which, when delivered shall have 50 SC [sections] of LI 0002AA installed on each reel.	10	EA	\$140,367
0001AB	Reel, fueling hose (no hose installed).	5	EA	50,562

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0002       Hose, rubber, \* \* \*.

0002AA	Hose, rubber, which,	500	SC	1,788
	when delivered, shall be			
	installed on LI 0001AA.			

[Items 0003 and 0004 covered data and first article testing.] "

Fifteen responsive bids were received, and CMF was the 12th low bidder.

CMF advised the Navy that, contrary to the Government interpretation, line item 0001AA reasonably had been interpreted to include 50 sections of hose from line item 0002AA on each reel. Therefore, CMF included the price of the hose in line item 0001AA in addition to a price for the reels. In sum, CMF included the 0002AA hose price in two line items. CMF requested bid correction to deduct the superfluous hose price in line item 0001AA from the bid. Bid correction would make CMF the low bidder displacing 11 lower bidders. In support of bid correction, CMF furnished copies of worksheets and of supplier quotations.

The Navy points out that Defense Acquisition Regulation § 2-406.3(a)(3) (1976 ed.) provides that when the bidder requests permission to correct a mistake in bid which would result in displacing one or more lower bids, correction shall not be permitted unless the existence of the mistake and the bid actually intended are ascertainable substantially from the invitation and the bid itself without resort to the bidder's worksheets or the bidder's explanation of the error. The agency contends that the protester's bid was not so out of line as to indicate the possibility of error since other bidders submitted higher bids on line item 0001AA. (We note that the abstract shows three higher bids.) The Navy argues that the provisions of line item 0001AA are unambiguous and do not call for the line item 0002AA hose price to be included, particularly when read in connection with line item 0002AA and the delivery schedule. Therefore, line item 0001AA calls for unit and total prices on 10 fueling hose reels that, when delivered, are to have installed on each reel the hose covered by line item 0002AA. The Navy argues that, for the above reasons, the

existence of a mistake is not ascertainable from the invitation and bid. The two lowest bidders concur with the agency position.

CMF asserts that the line item 0001AA words, "which, when delivered, shall have 50SC of LI0002AA installed on each reel," reasonably indicated that the price of the line item 0002AA hose was to be included in line item 0001AA; otherwise, the IFB preparer would have provided in parentheses ("no hose installed") similar to the parenthetical qualification in line item 0001AB--("no hose installed"). CMF also asserts that the error would not have occurred had the IFB provided for a total bid with instructions to arrive at the total by adding the line item unit prices. CMF allegedly reasonably believed that line item 0001AA called for the reels and hosing in combination and line items 0002AA and 0002AB called only for hosing, as an alternative bid. Because the bidder was not required to submit a total bid, CMF was not aware that the interpretation would result in a duplicate amount for hosing. CMF therefore contends that it made an error due to ambiguous language of the line items and that clear and convincing evidence exists in the invitation and bid that CMF intended a unit price of \$50,967, rather than \$140,367, for item 0001AA. This is computed by multiplying 50 sections of 0002AA hose by the \$1,788 unit price and subtracting this total (\$89,400) from the 0001AA unit price (\$140,367). The protester points out that the two bidders which were higher than CMF on line item 0001AA similarly misinterpreted the IFB.

In deciding cases involving bid corrections which would displace the low bidder, we generally have examined the degree to which the asserted correct bid is the only reasonable interpretation, ascertainable substantially from the bid itself, of the claimed mistake. Schweigert Construction; Bob Bak Construction, B-208114, B-208880, October 20, 1982, 82-2 CPD 349. The reasonableness determination of the corrected price may include reference to the range of other bids, as well as logic and experience. Ideker, Inc., B-194293, May 25, 1979, 79-1 CPD 379. An allegation that unclear IFB provisions support the reasonableness of a corrected price may also impact. See Holley Electric Construction Co., Inc., B-209384, January 31, 1983, 83-1 CPD 103.

Under these standards, we agree with the agency that CMF's bid cannot be corrected. We find no support for CMF's contention that the IFB provisions reasonably caused an apparent error. This is because the language of the bidding schedule and other IFB language are clear that separate prices are to be submitted for the line item 0001AA reels and the line item 0002AA hose to be installed on those reels. CMF's point that the Navy should have placed in line item 0001AA a similar parenthetical to that contained in line item 0001AB ("no hose installed") would have been directly contrary to the clear requirement that item 0002AA hose be installed on the item 0001AA reels. Of particular significance, section M.2b of the IFB, covering contract award, specifically provides that "One award will be made under this solicitation based on the lowest aggregate total of line items Nos. 0001 through 0004 (including all sub-line item numbers)." This disproves CMF's contention that its interpretation of the IFB was reasonable from the clear language or that the absence of a total line item price space showed that alternative bids were requested.

We acknowledge that CMF's mathematical calculations bring the protester's 0001AA reel price in line with its 0001AB reel price and similar calculations on two higher bidders cause similar results. Further, we note that all other bidders priced these line items relatively closely. However, we cannot permit correction because the bid or invitation do not clearly show which of CMF's reel line item prices (0001AA--\$140,367, 0001AB--\$50,562) is the correct and only reasonable price. Also, other submitted bids support this conclusion. In this regard, two other bidders priced the reel line items closely and in the range of CMF's 0001AA price of \$140,267--one at \$141,192, \$138,692, respectively, and the others at \$120,000, \$118,000, respectively. Moreover, these bidders, CMF, and all other bidders priced the hose in the \$1,500 to \$2,500 range.

The protest is denied.

*for Milton J. Fowler*  
Comptroller General  
of the United States